

**No. PD-1299-18**

In the  
Texas Court of Criminal Appeals  
At Austin

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FILED  
COURT OF CRIMINAL APPEALS  
3/18/2019  
DEANA WILLIAMSON, CLERK

**No. 14-17-00005-CR**

In the Court of Appeals for the  
Fourteenth District of Texas  
At Houston

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**No. 2112570**

In County Criminal Court at Law No. 8  
Of Harris County, Texas

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**LESLEY DIAMOND**

*Appellant*

V.

**THE STATE OF TEXAS**

*Appellee*

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STATE'S FIRST MOTION FOR EXTENSION OF TIME TO FILE  
BRIEF

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

THE STATE OF TEXAS, pursuant to TEX. R. APP. P. 10.1 and 10.5(b),  
moves for an extension of time within which to file the State's Brief on  
Discretionary Review. In support of its motion, the State submits the following:

1. This Court granted the State's Petition for Discretionary Review on February 13, 2019.
2. The State's Brief is due on March 15, 2019.

3. The following facts are relied upon to show good cause for the requested extension:

- i. This is the State's first request for an extension of time to file its brief on discretionary review.
- ii. The undersigned attorney has been involved in the following appellate projects since this Court granted the State's Petition for Discretionary Review:
  - a. State of Texas v. William Hartley  
Ex parte William Hartley  
No. 01-18-01124-CR  
No. 01-18-001125-CR  
Brief to be submitted: March 15, 2019  
\*This is an accelerated appeal regarding the constitutionality of a Texas harassment statute, and the briefing for this appeal has involved a substantial amount of time, which has interfered significantly with the undersigned attorney's ability to complete the State's brief in this case.
  - b. In the Matter of T.V.T.  
No. 14-18-00807-CV  
Brief due: March 29, 2019
  - c. Manuel Gutierrez v. State of Texas  
No. 01-17-00734-CR  
Brief due: April 8, 2019
- iii. The undersigned attorney has had to draft time-sensitive responses to pretrial writ applications filed in the trial courts, and has had to conduct legal research to assist prosecutors with questions regarding cases currently pending in the trial courts, including active jury trials. Such additional work has interfered with the undersigned attorney's ability to complete the State's brief in this case.

- iv. The undersigned attorney has also had to prepare for and argue in a trial court hearing on a pretrial application for writ of habeas corpus. Such additional work has also interfered with the undersigned attorney's ability to complete the State's brief in this case.
4. This motion for extension is not made for purposes of delay, but that the issues in this case can be addressed completely and properly in briefing to this Court.

WHEREFORE, the State prays that this Court will grant a fourteen-day extension of time, to March 29, 2019, for the undersigned attorney to complete and file the State's Brief on Discretionary Review.

Respectfully submitted,

/s/ Patricia McLean

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## **CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing instrument will be sent by e-filing to:

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*/s/ Patricia McLean*  
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Date: March 15, 2019